

PROB 12B
(7/93)

Report Date: August 25, 2011

United States District Court

for the

Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Joseph Roberts

Case Number: 2:06CR00053-001

Name of Sentencing Judicial Officer: The Honorable William Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 6/26/2007

Type of Supervision: Supervised Release

Original Offense: Importation of 50 Kilograms or
More of Marijuana, 21 U.S.C. § 952 and 960;
Importation of Ecstasy, 21 U.S.C. § 952 and 960;
Possession with Intent to Distribute 50 Kilograms or
More of Marijuana, 21 U.S.C. § 841(a)(1);
Possession with Intent to Distribute Ecstasy, 21
U.S.C. § 841(a)(1)

Date Supervision Commenced: 4/6/2010

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEP 01 2011

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Original Sentence: Prison - 54 Months; TSR - 36
Months

Date Supervision Expires: 4/5/2013

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 21 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

CAUSE

Joseph Roberts violated conditions of his supervised release by failing to appear for urinalysis testing on August 16, 2011, contrary to special condition #18 of his conditions of supervised release. Additionally, the offender violated supervision by consuming alcohol since substance abuse counseling commenced in June 2011, contrary to special condition #17.

Mr. Roberts' adjustment to supervision is considered marginal. As the Court may recall, a violation report dated May 27, 2011, was submitted outlining noncompliant behavior to include use of marijuana and excessive consumption of alcohol. At that time, the offender was referred to substance abuse counseling and instructed to continue to appear for random urinalysis testing. It is noted that Mr. Roberts was invited to consider participation in the Sobriety Treatment and Education Program (STEP) at that time.

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On August 23, 2011, the offender was summoned to the office and questioned about the above-referenced noncompliant behavior. Mr. Roberts admitted that he has an alcohol abuse problem and would appreciate assistance. He voluntarily agreed to a STEP referral. Mr. Roberts also signed the attached waiver of hearing to modify conditions of supervised release to include an alcohol prohibition and breathalyzer testing. Consequently, a referral to STEP has been initiated by the undersigned officer.

It is respectfully recommended that the attached waiver of hearing to modify conditions of supervised release be adopted requiring Joseph Roberts to abstain from the use of alcohol and submit to testing, including breathalyzer.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on: 08/25/2011

s/Tommy Rosser

Tommy Rosser
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

9/1/11

Date